

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Sammye A. Richardson,

Plaintiff,

vs.

Judge Oliver Wanger, Judge Whitney
Rimel, in his/her capacity as Justice of the
Federal Court; for the Eastern Dist of
Fresno California, Eastern Dist of Fresno
California; First American Title; Its Pres.)
Parker Kennedy, in his capacity as agent
for Company; Caswell Bell & Hillison in
its capacity as agent for FATCO. Region
14 and 17; Jeffery Lodge & Richard
Cuellar in their capacity as U.S. Trustees
office attorney/employees; Does 1-100 et,
al:

Defendants.

No. 03-CV-549-TUC-FRZ

ORDER

On October 30, 2003, Plaintiff Sammye A. Richardson, appearing pro se, filed a Verified Complaint and a motion to proceed in forma pauperis. On October 31, 2003, Plaintiff filed a "Correction to * Verified Complaint," which the Court has construed as an amended complaint. On November 3, 2003, Plaintiff filed a "Verified Complaint Subject to Claim of Unconstitutionality Trial By Jury Demanded," which the Court has construed as a second amended complaint.

When an individual seeks to proceed in forma pauperis, the district court is authorized to preliminarily review the complaint and dismiss the complaint if it is "frivolous or malicious," "fails to state a claim on which relief may be granted," or "seeks monetary relief

1 against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). It is
2 impossible for the Court to preliminarily review a complaint when Plaintiff has filed
3 amended complaint every day that the Court has been open since Plaintiff filed the original
4 verified complaint,

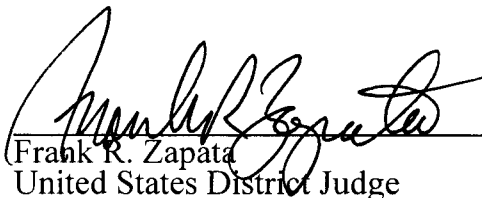
5 Moreover, “[a] party may amend the party’s pleading *once* as a matter of course at any
6 time before a responsive pleading is served Otherwise a party may amend the party’s
7 pleading only by leave of court or by written consent of the adverse party.” Fed. R. Civ. P.
8 15(a) (emphasis added). Plaintiff has already filed two amended complaints.

9 The Court will order Plaintiff not to file any further amended complaints in this action
10 unless Plaintiff has obtained leave of the Court to do so. Any request for leave to amend the
11 complaint will not be considered unless it is in the form of a motion that conforms to the
12 requirements of the Federal Rules of Civil Procedure and the Uniform Rules of Practice for
13 the United States District Court for the District of Arizona (the Local Rules). Unless the
14 Court grants a motion to amend, the Court will conduct its preliminary review of the second
15 amended complaint that was filed on November 3, 2003.

16 Accordingly,

17 **IT IS ORDERED** that Plaintiff **shall not** file any further amended complaints in this
18 action unless Plaintiff has obtained leave of the Court to do so. Any request for leave to
19 amend the complaint shall be in the form of a motion and shall conform to the requirements
20 in the Federal Rules of Civil Procedure and the Rules of Practice for the United States
21 District Court for the District of Arizona (the Local Rules).

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23 DATED this 5th day of November, 2003.

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27 Frank R. Zapata
United States District Judge
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